

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division



STEVEN HOOD, #08248-028,

Petitioner,

v.

Action No. 2:18cv692

MARK BOLSTER,  
Acting Warden,

Respondent.

O R D E R

Petitioner Steven Hood ("Hood"), a federal inmate convicted and sentenced in the Southern District of Indiana, and housed in the Federal Correctional Center in Petersburg, Virginia, filed a *pro se* petition, pursuant to 28 U.S.C. § 2241. ECF No. 1. Hood alleges he was denied due process during his disciplinary hearing held February 14, 2018. ECF No. 1 at 2, 6; ECF No. 2 at 2-4.

The petition was referred to a United States Magistrate Judge for report and recommendation pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Local Civil Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia. The report and recommendation, filed December 3, 2019, recommends that respondent's motion to dismiss be granted, and Hood's petition for a writ of habeas corpus be dismissed without prejudice. ECF No. 15. Each party was advised of the right to

file written objections to the findings and recommendations made by the Magistrate Judge. Hood did not file objections to the report and recommendation, and the time to file objections has expired.

The Court, having reviewed the record, does hereby adopt and approve the findings and recommendations set forth in the report and recommendation. The Court, therefore, **ORDERS** that respondent's motion to dismiss, ECF No. 8, is **GRANTED**, and Hood's petition for a writ of habeas corpus, ECF No. 1, is **DISMISSED WITHOUT PREJUDICE** to Hood filing an amended petition **within thirty (30) days from the date of this Order** now that his administrative appeal is final. If Hood does not file an amended petition within thirty days from the date of this Order, judgment will be entered.

Hood is **ADVISED** that, because this order dismissing his habeas petition without prejudice does not constitute a "final" habeas order, he need not obtain a certificate of appealability before appealing this Court's dismissal of the petition.

Should Hood wish to pursue an appeal of the dismissal of his petition, he must do so within sixty (60) days from the date of the judgment. Hood may pursue an appeal by filing a written notice of appeal with the Clerk of the United States District Court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510.

The Clerk is **REQUESTED** to provide a copy of this Order to Hood and to counsel for the respondent. **IT IS SO ORDERED.**

/s/ 

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Mark S. Davis  
Chief Judge

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Mark S. Davis  
CHIEF UNITED STATES DISTRICT JUDGE

Norfolk, Virginia  
March 6, 2020